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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/617,065

07/13/2000

Norman Understein

2802-5 (AMK)

7218

23117

7590

06/30/2009

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

GREENE, DANIEL LAWSON

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

06/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* NORMAN UNDERSTEIN

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Application No. 09/617,065  
Technology Center 3600

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Mailed: June 30, 2009

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Before DEBORAH L. PERRY, Supervisory Paralegal Specialist, Review  
Team.

PERRY, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals  
and Interferences on September 22, 2008. A review of the application revealed  
that it is not ready for docketing as an appeal. Accordingly, the application is

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herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

### REPLY BRIEF

On August 20, 2008, the Examiner mailed a communication acknowledging receipt of Appellants' Reply Brief filed on June 4, 2008. The response contains additional arguments which are improper. The comments made by the Examiner constitute a Supplemental Examiner's Answer. In accordance with MPEP § 1207.05, all Supplemental Examiner's Answers must be approved by a Technology Center (TC) Director or designee. The communication mailed October 16, 2007, was not signed by the Technology Center Director or designee.

### CONCLUSION

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

1) vacate the Acknowledgment of the Reply Brief issued August 20, 2008;

2) generate and mail either:

a) a revised Communication properly acknowledging to the Reply Brief dated June 4, 2008, in accordance with MPEP§ 1208, part II.; OR

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b) issue a Supplemental Examiner's Answer with the required signature (Technology Center Director or designee), if appropriate; and  
3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/tsj

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203